

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

MELISSA SOBOLESKI, :
: Plaintiff, : CIVIL ACTION NO.: 1:18-CV-00030-LPL
: :
v. :
: EDINBORO UNIVERSITY OF :
PENNSYLVANIA, the PENNSYLVANIA :
STATE SYSTEM OF HIGHER :
EDUCATION, and BRUCE :
BAUMGARTNER, Individually. :
: **JURY TRIAL DEMANDED**
Defendants.

NOTICE OF ACCEPTANCE OF OFFER OF JUDGMENT

Kindly take notice that Plaintiff, Melissa Soboleski, by and through her attorneys undersigned, hereby accepts the Offer of Judgment Pursuant to Fed. R. Civ. P. 68 submitted by Defendants on September 5, 2018, attached hereto as Exhibit "A".

Date: September 17, 2018

By: /s/ Sunshine R. Fellows, Esquire

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412-434-5200 (ph)
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Counsel for Plaintiff

EXHIBIT A

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

MELISSA SOBOLESKI, :
Plaintiff, : Civil Action No. 18-30
v. :
: Magistrate Judge Lenihan
EDINBORO UNIVERSITY OF :
PENNSYLVANIA, PENNSYLVANIA :
STATE SYSTEM OF HIGHER EDUCATION :
and BRUCE BAUMGARTNER, Individually :
: Defendants.

OFFER OF JUDGMENT PURSUANT TO FED. R. CIV. P. 68

AND NOW, come the Defendants by their undersigned counsel and submit this Offer of Judgment pursuant to Fed.R.Civ.P. 68:

1. Judgment shall be entered against all Defendants and in favor of Plaintiff in the amount of Two Hundred and Fifty Thousand Dollars (\$250,000.00). This judgment is exclusive of all counsel fees, but inclusive of all other damages, costs, interest, or monetary claims of any kind arising from the causes of action set forth in Plaintiff's pleading.

2. Through acceptance of this offer, Plaintiff agrees that the Complaint shall be dismissed, with prejudice, as to all parties and all claims.

3. This Offer of Judgment is made for the purposes specified in Rule 68 and is not to be construed as an admission that any of the Defendants are liable in this action or that Plaintiff has suffered any damages. Said Judgment is to have no effect whatsoever except in settlement of this case. This Offer of Judgment is not admissible as evidence in any proceeding except, if rejected, in a proceeding to determine costs.

4. As part of the foregoing offer, Plaintiff may petition the Court for the recovery of reasonable and necessary counsel fees and costs recoverable pursuant to applicable legal statutes. However, Defendants specifically reserve all rights available to them to challenge the reasonableness and necessity of all fees and expenses claimed.

5. Notice is hereby given that Defendants reserve the right to seek the recovery of all costs incurred subsequent to the date of this Offer of Judgment at the conclusion of this litigation if this Offer of Judgment is not accepted in writing within fourteen (14) days.

Respectfully submitted,

JOSH SHAPIRO
Attorney General

/s/ Michael E. Kennedy
MICHAEL E. KENNEDY
Senior Deputy Attorney General
PA ID 52780

/s/ Yana L. Warshafsky
YANA L WARSHAFSKY
Deputy Attorney General
PA ID 312915

Keli M. Neary
Chief Deputy Attorney General
Civil Litigation Section

OFFICE OF ATTORNEY GENERAL
1251 Waterfront Place, Mezzanine Level
Pittsburgh, PA 15222

CLERK'S ENTRY OF JUDGMENT

Joshua C. Lewis
"ENGTM'QHEQWTV

09/19/2018

'F cgv":::::::::::Ui pcwtg"qh"Engtm'qt 'F gr w\ 'Engtm

Carina E. Loushe



CERTIFICATE OF SERVICE

I hereby certify that on the 5th day of September, 2018, a true and correct copy of the foregoing Offer of Judgment document was served via first class US mail, and email on the following:

Elizabeth E. Deemer, Esquire
Sunshine R. Fellows, Esquire
The Levicoff Law Firm, P.C.
4 PPG Place, Suite 200
Pittsburgh, PA 15222
ldeemer@lsandd.net

/s/Michael E. Kennedy
Michael Kennedy
Senior Deputy Attorney General

/s/ Yana L. Warshafsky
Yana Warshafsky
Deputy Attorney General

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MELISSA SOBOLESKI,

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BAUMGARTNER, Individually. :
Defendants. : **JURY TRIAL DEMANDED**

CERTIFICATE OF SERVICE

I hereby certify that on September 17, 2018, I electronically filed the foregoing *Notice of Acceptance of Offer of Judgment* with the Clerk of Court using the CM/ECF system which will send notification of such filing to the following CM/ECF participants:

Michael E. Kennedy, Esquire
Yana Warshafsky, Esquire
Office of Attorney General
1251 Waterfront Place
Mezzanine Level
Pittsburgh, PA 15222
Counsel for Defendants

By: /s/ Sunshine R. Fellows, Esquire
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